

**REGULAR MEETING OF THE  
BRIGHAM CITY COUNCIL  
JANUARY 15, 2009**

PRESENT:	Lou Ann Christensen	Mayor
	Bruce Christensen	Councilmember
	Scott Ericson	Councilmember
	Reese Jensen	Councilmember
	Ruth Jensen	Councilmember
	Bob Marabella	Councilmember
ALSO PRESENT:	Rick Bosworth	Human Resource Coordinator
	Mark Bradley	City Planner
	Jim Buchanan	Emergency Services Director
	Mary Kate Christensen	City Recorder
	Blake Fannesbeck	Public Works Director
	Jared Johnson	Community Development Manager
	Bruce Leonard	City Administrator
	Mike Nelsen	Police Lieutenant
	Jason Roberts	Finance Director
	Paul Tittensor	Police Chief

Mayor Christensen called the meeting to order. The Reverence Period was given by Councilmember Ericson. The scouts in the audience led the Pledge of Allegiance.

Approval of Minutes - Councilmember Christensen noted that on page 9 of the November 20th Council meeting, December 28 should be December 18. A motion to approve the minutes of the October 30, 2008 Council and Executive Session; November 20, 2008 Work Session, Council and Executive Session as amended was made by Councilmember Christensen, seconded and carried.

Mayor Christensen presented the agenda as follows:

**PUBLIC COMMENT**

**CONSENT**

- New Hire, Police Department
- New Hire, Administration
- New Hire, Public Works
- New Hire, Public Works
- Approval of 2009 Meeting Schedule for Boards and Commissions
- Request to Write-off Accounts Due to Resident Taking Out Bankruptcy or Being Sent to Collections

**PUBLIC HEARING**

- Request for Comments from the Public as Preparation Begins on the City's 2009-2010 Budget

**SCHEDULED DELEGATION**

- Request to Extend Evacuation Order (*moved to a Redevelopment Agency meeting*)

**NEW BUSINESS**

- Request for Approval of Updated Citizen Corps Council Ordinance (*tabled*)
- Request for Approval of Updated Community Emergency Response Team Ordinance
- Update on Arson Fires

**PLANNING COMMISSION BUSINESS**

- Upland Square Development Agreement

**MAKING LIFE BETTER - DEPARTMENT REPORTS**

**OTHER BUSINESS**

- Personnel Issue (*added*)

**CLAIMS**

- Payment Register

Councilmember Marabella requested that a Personnel Issue be added to the agenda. The Scheduled Delegation was moved to a Redevelopment Agency Meeting. Councilmember Marabella made a motion to approve the agenda as amended. The motion was seconded and carried unanimously.

## **PUBLIC COMMENT**

Richie Orton, 176 Grandview - Mr. Orton came forward and thanked the City Council and Mayor for the safe City he lives in. He is grateful he is able to volunteer for the City in so many capacities. One of those is Neighborhood Watch, which he has been doing for about eight years. He recommended that the Council look at hiring additional personnel in the Police Department that may be bi-lingual to help the growing population of Hispanics in the City.

## **CONSENT**

### **New Hire, Police Department**

It was recommended Dennis Abel be hired as a Domestic Violence Investigator effective January 20, 2009. This position is being funded through a Your Community in Unity grant.

### **New Hire, Administration**

It was also recommended Royce Wilkerson be hired as a Network Administrator, Grade 56, effective January 20, 2009.

### **New Hire, Public Works**

George "Buck" Goforth was recommended for hire as an Equipment Operator I, Grade 38, effective January 20, 2009.

### **New Hire, Public Works**

It was recommended the City Council approve Jonathan Boswell as GIS Specialist III, Grade 51, effective January 20, 2009.

### **Approval of 2009 Meeting Schedule for Boards and Commissions**

A list of Brigham City boards and commissions was presented for approval before publication in the newspaper.

### **Request to Write-off Accounts Due to Resident Taking Out Bankruptcy or Being Sent to Collections**

A list of accounts totaling \$5,377.81 was presented to be removed from the City's system due to the customer taking out bankruptcy or being sent to collections.

MOTION: A motion to approve the Consent Agenda was made by Councilmember Christensen, seconded by Councilmember Ericson. Councilmember Reese Jensen noted that in the 2009 meeting schedule the PUAB is listed as meeting every third Wednesday of the month. They only meet as needed. Councilmember Ericson noted that the Heritage and Cultural Arts Board only meets quarterly. The motion unanimously carried.

## **PUBLIC HEARING**

### **Request for Comments from the Public as Preparation Begins on the City's 2009-2010 Budget**

A motion to open the public hearing was made by Councilmember Ericson, seconded by Councilmember Reese Jensen and carried.

Leon Hyde - Mr. Hyde requested the Council consider public safety and the Police. He is hearing that the Utah Highway Patrol is going to reduce their force by 40-60 people, back to the 1950's level. He did not feel this was reasonable. He realized there are budget problems but he felt we need to be considerate of our public safety. Things are changing in the community and he did think this was the time to start reducing public safety staffing. He expressed appreciation to the Council and Mayor for everything they do. Brigham City is a wonderful place to live.

Richard Barnett - Mr. Barnett agreed that the Council needs to stay focused on public safety; however, he wanted to make sure the Council stays focused on the larger issues. He read in the newspaper about the shortfall Brigham City had, and that the Council was confident it could be made up. He asked the Council to

keep their eye on the fact that this can change drastically. The citizens of Brigham City rely on elected officials to make sure when something arises Brigham City will be prepared. This includes financial preparedness.

Mayor Christensen noted that the Council met Tuesday morning and addressed this very issue. It was agreed upon by the Council to cut the overall budget by 3%. Projections indicate that the City is still doing okay, but City staff and elected officials are watching this very carefully.

A motion to close the public hearing was made by Councilmember Ericson, seconded by Councilmember Ruth Jensen, carried.

## **NEW BUSINESS**

### **Request for Approval of Updated Community Emergency Response Team Ordinance**

Mr. Buchanan came forward and stated that since the City adopted the original CERT Ordinance, the CERT has been working for eight years and they have found that they need to streamline so it works better. This amendment will bring the ordinance into compliance with the way the CERT is actually running. These changes have been approved by the City Attorney, the Mayor, the City Administrator and the CERT.

MOTION: Councilmember Reese Jensen made a motion to approve the updated Community Emergency Response Team Ordinance, seconded by Councilmember Ericson. Voting was as follows:

Councilmember Christensen - aye  
Councilmember Ericson - aye  
Councilmember Reese Jensen - aye  
Councilmember Ruth Jensen - aye  
Councilmember Marabella - aye

### **Update on Arson Fires**

Chief Tittensor joined Mr. Buchanan at the table. Chief Tittensor said they have brought in personnel from the Department of Homeland Security and the Alcohol, Tobacco and Firearms. They have a little more expertise in these types of structural fires and more resources. They have given some good indications that there will be a favorable outcome of this investigation. In addition, both Mr. Buchanan and Chief Tittensor have sent some of their employees to advanced fire training.

## **PLANNING COMMISSION BUSINESS**

### **Upland Square Development Agreement**

Mr. Bradley explained that this agreement is for the proposed Upland Square between Wal-Mart and the Union Pacific Railroad and south of 1100 South. Part of the agreement is to establish a land use contract between the City and developer to allow vested rights as they start to market companies, retail businesses and other uses as they start to develop the property.

Mr. Bradley added that Perry City is considering a similar agreement. The area consists of 85 acres in Brigham City and 45 acres in Perry City. The residential area would be primarily on the southwesterly quarter of the project and the commercial would be on 1100 South and the future 1200 West.

Councilmember Christensen asked if the entire property within Brigham City is covered by the 1100 South Guidelines. Mr. Paul Larsen replied that it is.

Councilmember Christensen said he was disappointed that Perry has elected not to have any residential use within their 45 acres. Mr. Paul Arnold came forward and explained that as they have studied other mixed used projects around the nation, they felt that residential will help the commercial development because there are residents close by to shop and eat out. When they purchased the property, Brigham City's property allowed for residential at that time. When they purchased the Perry piece they knew that it did not allow residential. He added that Brigham City will still have more commercial acreage than Perry and will have the prime commercial area.

Councilmember Ericson asked if the residential will be owner occupied or rentals. Mr. Arnold replied that there will probably be both. That would be up to the developer, or it could be something that they could look into. Councilmember Christensen stated that owner occupied seems to be better maintained. Mr. Arnold said he could discuss this with the principle owners.

MOTION: Councilmember Ericson made a motion to table approval of the Upland Square Development Agreement until Mr. Arnold can discuss what type of owner occupied residential will be allowed with the principle owners. The motion was seconded by Councilmember Marabella. Councilmember Christensen asked if postponing it two weeks will be a problem. Mr. Arnold stated that it should not be a problem. Mayor Christensen expressed concern with commuter rail stations being listed under permitted uses. She explained that Brigham City has been working on the commuter rail terminus to be in Brigham City off 200 South and West Forest for the last 4-5 years. They have done many studies and a lot of work on this. They have received \$225,000 from Congressman Bishop as well Senator Bennett to study a transit oriented plan for that area. UTA has already purchased property for a Park and Ride. They are working toward an April or August deadline. This will allow people coming from Logan to catch a bus to Ogden to take the Front Runner. They have talked with ATK, Autoliv, Nucor and Vulcraft and they are all expecting that to be the terminus. Tremonton is also counting on it being in Brigham City. There are a number of reasons that she would not be in favor of moving it to 1100 South based on the fact that they have worked so hard the last 4-5 years to get it at the 200 South location. They want to bring people into the downtown area. They have a conceptual plan with transient oriented development all around the 200 South West Forest area. In addition there has been a corridor study done with West Forest being a transient oriented development. She said the only way she could agree with this is if it could be secondary to a terminus at 200 South. Mr. Arnold said this is similar to the residential issue. When they purchased the property, they were aware that Brigham City wanted the terminus on 200 South. They were well aware of Brigham City's vision. They do not mind if it is not on their property; he did not feel it will affect their property either way. If Brigham City wants it as secondary, they will agree to that. He added that Perry City talked to them about putting it in their development, but they were well aware it was part of Brigham City's vision. Their conceptual plans do not include a UTA stop. It is listed as a permitted use so that it will be allowed if Brigham City changes their mind.

AMENDED MOTION: Councilmember Ericson amended his motion to state that the development agreement clarify that a commuter rail station will be secondary to the terminus at 200 South in Brigham City. Councilmember Ruth Jensen said the Planning Commission was concerned about the seven story building. She asked if this issue was taken care of. Mr. Bradley said there was no motion to request a change in height. They were concerned that the current City ordinance allows up to seven stories in height. They determined to leave it as it is currently on the books. Mayor Christensen asked what Parcels 1 and 2 are mentioned in the Perry agreement. Mr. Larsen indicated on a map where these parcels are located. The amended motion was seconded by Councilmember Marabella. Voting was unanimous with the following vote:

Councilmember Christensen - aye  
Councilmember Ericson - aye  
Councilmember Reese Jensen - aye  
Councilmember Ruth Jensen - aye  
Councilmember Marabella - aye

#### **MAKING LIFE BETTER - DEPARTMENT REPORTS**

Academy Project - Mr. Larsen reported that Phase I is underway. When it is completed, the entire exterior will be completed, including replastering, the windows restored upstairs and a new roof. Big D Construction won the bid with a final bid of \$716,000. The anticipated completion date for Phase I is sometime in May. They received a sizable donation in December. The foundation is gearing up to make another fund-raising pitch. It is a difficult time to be doing that because a lot of charitable money is tied up in stocks.

Public Works - Mr. Fonnesebeck reported that as part of the airport project a lot of the ramp space was removed. They applied for a grant to get additional ramp space and was approved. It is for \$1,050,000 for a ramp to the north of the existing ramp area. The City's match will be 2.5%, or \$26,250; the state will also match \$26,250. The project will probably start in June and should be completed by November.

Mr. Fonnesebeck said all the approvals were received through UDOT for the crosswalk flags and they are up.

Mr. Fonnesebeck stated that the Council previously asked that staff have UDOT do a study for a crosswalk on Main Street at 300 North. UDOT did a study of that area and, unfortunately, that area does not warrant a crosswalk based on the current pedestrian traffic.

Councilmember Ericson made a motion to move the RDA business before Other Business, the motion was seconded and carried. The Council adjourned to a Redevelopment Agency meeting at 8:11 p.m.

### **OTHER BUSINESS**

#### Personnel Issues

Councilmember Marabella made a motion to adjourn to an executive session to discuss the character, professional competence or physical or mental health of an individual. The motion was seconded by Councilmember Reese Jensen. The Mayor asked for a roll call vote in which all councilmembers voted in favor. The Council adjourned to a closed meeting at 8:24 p.m.

The Council returned to an open meeting at 9:05 p.m.

### **CLAIMS**

#### Payment Register

Councilmember Marabella moved to approve General Claims dated December 24, 2008 in the amount of \$3,491,582.74; for January 15, 2009, \$2,048,867.21; and Miscellaneous Claims dated January 6, 2009 in the amount of \$394,643.41. The motion was seconded and carried.

A motion to adjourn was made by Councilmember Christensen. The motion was seconded and carried unanimously. The meeting adjourned at 9:08 p.m.